



#3

Attorney's Docket No.: 530.38358X00

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that: my residence, post office address and country of citizenship are as stated below, next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND APPARATUS FOR SELECTION AND USE OF OPTIMAL ANTENNAS IN WIRELESS SYSTEM

the specification of which

is attached hereto.

X was filed on January 26, 2001 as  
United States Application Number 09/769,445  
or PCT International Application Number \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits, under 35 U.S.C. 119(a)-(d) or 365(b), of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed?</u>	
<u>(Number)</u>	<u>(Country)</u>	<u>(Foreign Filing Date)</u>	<u>Yes</u>	<u>No</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I hereby claim the benefit, under 35 U.S.C. 119(e), of any United States provisional application(s) listed below:

_____	_____
(Application Number)	Filing Date
_____	_____
(Application Number)	Filing Date

I hereby claim the benefit, under 35 U.S.C. 120, of any United States application(s) listed below:

_____	_____	_____
(Application Number)	Filing Date	(Status -- patented, pending, abandoned)
_____	_____	_____
(Application Number)	Filing Date	(Status -- patented, pending, abandoned)

I hereby appoint: Donald R. Antonelli, Reg. No. 20,296; Melvin Kraus, Reg. No. 22,466; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087; James N. Dresser, Reg. No. 22,973; Carl I. Brundidge, Reg. No. 29,621; Paul J. Skwierawski, Reg. No. 32,173; and Robert M. Bauer, Reg. No. 34,487; of ANTONELLI, TERRY, STOUT & KRAUS, LLP with offices located at 1300 North Seventeenth Street, Suite 1800, Arlington, Virginia 22209, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send all correspondence to:

Customer Number 020457  
ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 North Seventeenth Street  
Suite 1800  
Arlington, VA. 22209

Direct all telephone calls and faxes to:

TEL: (703) 312-6600  
FAX: (703) 312-6666

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Dhananjay A. GORE

Inventor's Signature 

Date

8/6/01

Residence

Stanford, CA

Citizenship

INDIA

(City, State)

(Country of Citizenship)

Mailing Address

796, Escondido Road, Rains TH

Stanford, CA - 94305

Full Name of Second/Joint Inventor Rohit U. NABAR

Inventor's Signature R. U. NABAR

Date

4/6/01

Residence

STANFORD CA

Citizenship

INDIA

(City, State)

(Country of Citizenship)

Mailing Address

RAINS TH 796 ESCONDIDO ROAD

STANFORD CA 94305

Full Name of Third/Joint Inventor Arogyaswami PAULRAJ

Inventor's Signature [Signature]

Date

4/6/01

Residence

STANFORD, CA  
PETER COURTIS  
(City, State)

Citizenship

INDIA USA

(Country of Citizenship)

Mailing Address

59 PETER COURTIS

STANFORD

CA

94305

Full Name of Fourth/Joint Inventor Sumeet SANDHU

Inventor's Signature [Signature]

Date

4/6/01

Residence

MOUNTAIN VIEW, CA  
(City, State)

Citizenship

USA

(Country of Citizenship)

Mailing Address

Apt #109, 2041 WEST EL CAMINO REAL

MOUNTAIN VIEW, CA 94040

Full Name of Fifth/Joint Inventor \_\_\_\_\_

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence \_\_\_\_\_

(City, State)

Citizenship \_\_\_\_\_

(Country of Citizenship)

Mailing Address \_\_\_\_\_

Full Name of Sixth/Joint Inventor \_\_\_\_\_

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence \_\_\_\_\_

(City, State)

Citizenship \_\_\_\_\_

(Country of Citizenship)

Mailing Address \_\_\_\_\_

Full Name of Seventh/Joint Inventor \_\_\_\_\_

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence \_\_\_\_\_

(City, State)

Citizenship \_\_\_\_\_

(Country of Citizenship)

Mailing Address \_\_\_\_\_

Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.